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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			SURVILLO, OLEG	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/983,041	SHIBUYA, ATSUSHI	
	Examiner	Art Unit	
	OLEG SURVILLO	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-18,21-29,31,34-38,40,41,43,45-47,49,50,52,54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-18,21-29,31,34-38,40,41,43,45-47,49,50,52,54 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission dated September 4, 2008 has been entered.

Response to Amendment

2. Claims 1-3, 6-18, 21-29, 31, 34-38, 40, 41, 43, 45-47, 49, 50, 52, 54, and 55 remain pending in the application. Claims 1, 16, 29, 38, and 47 are currently amended. Claims 4, 5, 19, 20, 30, 32, 33, 39, 42, 44, 48, 51, and 53 remain canceled. No new claims are added.

Response to Arguments

3. With regard to the Applicant's remarks dated September 4, 2008:
regarding the rejection of claims 16-18, 21-28, 38, 40, 41, 43, 45-47, 49, 50, 52, 54, and 55 under 35 U.S.C. 112, second paragraph, Applicant's arguments and amendment to claims 1, 16, 38, and 47 to use the phrase "display method identifying an image or sound file" has been fully considered and is sufficient. Therefore, the rejection has been withdrawn.

Regarding the rejection of claims 47, 49, 50, 52, 54, and 55 under 35 U.S.C. 101, Applicant's amendment and arguments have been fully considered and are sufficient. Therefore, the rejection has been withdrawn.

Regarding the rejection of claims 1-3, 6-18, 21-29, 31, 34-38, 40, 41, 43, 45-47, 49, 50, 52, 54, and 55 under 35 U.S.C. 103(a), Applicant's arguments have been fully considered, but they are not persuasive.

At page 18, as filed, Applicants address the argument made by the Examiner in the Office action mailed May 22, 2008, specifically at pages 14-15 of the last OA. In particular, Applicants disclose that: *"the Examiner's argument is simply that a) while Deluca does not show a table using pointers (second means element), b) Okamoto shows a table using pointers. This a straightforward argument. But it misses the point of the invention"*. In response to Applicant's statement, Examiner agrees that the argument is straightforward, but fails to see how this argument misses the point of the invention, as discussed more specifically below. Applicants argue regarding the "point of the invention" that: *"the Applicant's point is that where there is email communications between or among terminal devices having a common key word table, it is unnecessary to attach the key word table to the email, thus reducing communication traffic (page 32, lines 19-22). Thus the invention concisely addressed the particular bandwidth concerns that are emphasized in the specification"*. (Emphasis added by Applicants). Applicant's argument is not persuasive for multiple reasons. Firstly, argued claim 16 does not feature email communications between or among terminal devices (emphasis added). Thus, Applicant's argument is directed towards the

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unclaimed features of the invention. Secondly, in both Deluca and Okamoto it is unnecessary to attach the key word table to the message, thus potentially reducing communication traffic. Therefore, Applicant's discussion of the "point of the invention" does not distinguish from neither one of the applied references since none of the references attach the key word table to the message, being it email message or any other electronic message. Lastly, the word "unnecessary" does not require that the table not being attached to the message. It simply makes attachment of the table optional. Therefore, "unnecessary to attach" is broad enough to encompass an embodiment where the table is attached, as an option.

Regarding the disclosure of Okamoto, Applicants argue at page 19, as filed, that: *"the Okamoto table could not be used in the manner or for the purpose of the table in the present invention to associate a particular retrieval key with a particular image (or sound) corresponding to the retrieval key"*. The Examiner disagrees and maintains assertion that Okamoto's table associates a particular retrieval key (keyword) with a pointer to a related image object, thus teaching the structure and function analogous to the table in the present invention, as in the embodiment disclosed in Fig. 5 of the present invention. Applicants further argue at the same and following page that: *"the pointer technique disclosed by Okamoto – even if added to Deluca – would not be in accordance with the teachings of the present invention. It will be observed that Okamoto operates by a syntactical analysis of both images and a user natural language query. ..."*. Applicants go on to discuss Okamoto's invention citing several portions and figures of Okamoto's disclosure, which were not relied on in the rejection. In response to this

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argument and discussion, it is noted that Okamoto's analysis of an image to extract a structure, which is then compared using an algorithm to a similar complex structure in an effort to determine whether the image database 214 contains the sought after image, or contains images whose objects can be edited in combination to generate the desired image, and the fact that Okamoto operates by a syntactical analysis of both images and a user natural language query – is not of a particular relevance to the subject matter relied on in Okamoto, i.e. table that associates retrieval key with a pointer to a particular image corresponding to the retrieval key, thus making Applicant's argument directed to the features discussed by Okamoto that were not relied upon, and therefore irrelevant.

Applicants further argue at the bottom of page 20 and top of page 21, as filed, that: *"it is submitted that one skilled in the art would not have any reason to combine the Okamoto technique with Deluca, which in any event would not result in the claimed invention"*. This argument and submission are not understood as Applicants attempt to shows that combination of Deluca's invention and Okamoto's invention, as a whole, does not result in the present invention, which is erroneous because Office action mailed May 12, 2008 did not attempt to combine inventions of Deluca and Okamoto, but rather modify the invention of Deluca with a specific feature taught by Okamoto that was missing from Deluca's invention, which effectively results in the claimed invention.

Applicants further argue at page 21 that: *"in its purpose, structure and effect Okamoto is completely different from the present invention"*. The Examiner disagrees and maintains his position that Okamoto's table associates a particular retrieval key (keyword) with a pointer to a related image object, thus teaching the structure and

function analogous to the table in the present invention, as in the embodiment disclosed in Fig. 5 of the present invention.

Applicant still further argue that: *"the Examiner offers no reason for using the two techniques (pointer and file itself) together in the manner described by the claims"*. This argument is not persuasive because Applicants failed to specifically identify the claims that use the two techniques together (in the same claim). To that extent, at least claim 1 does not use two techniques together in the same claim. In particular, claim 1 uses either one technique, as evidenced by usage of "if" and "if not" terminology.

Applicants also argue that: *"in the present invention the use of the two techniques in a complementary fashion derives from the purpose of reducing communication bandwidth, a motivation that is not present in Deluca or Okamoto"*. In response to this argument it is noted that the specification as originally filed and published fails to support Applicant's argument. Such that, the specification clearly shows that the two techniques (table having a pointer to a file stored somewhere else in memory, such as one at Fig. 5 and table having a file stored within the table, such as one at Fig. 8) are alternative embodiments, in other words, species, as discussed at page 29 of the specification. Nowhere does the specification disclose an embodiment having both techniques used together in a complementary fashion. Neither do the claims support having both techniques used together in a complementary fashion, as evidenced by usage of "if" and "if not" terminology. See for example claim 1.

Applicants argue that: *"Deluca fails to address the bandwidth issues motivating the invention"*. This argument is not persuasive because Deluca addresses the

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bandwidth issues by transmitting a message including only codes (and not graphic images), which, if transmitted, would consume considerable amount of bandwidth in comparison to codes.

As to any arguments not specifically addressed, they are the same as those discussed above.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 49, 50, 52, 54, and 55 recite the limitation "the computer program" in the claim body. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6, 7, 10-18, 21, 22, 25-29, 31, 34, 35, 38, 40, 41, 43, 47, 49, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deluca et al. (US Patent No.: 5,784,001) in view of Okamoto (US Patent No.: 5,684,999).

As to claim 1, Deluca shows a communication system (Figs. 1 and 11, col. 5 line 16) including:

a communication network [having a data communication receiver and transmitting terminal forming a network for communicating electronic message as a radio signal between devices] (col. 1 lines 15-18, col. 5 lines 15-20);

a plurality of terminal devices [data communication receiver (100), transmitting terminal (305)] (col. 1 lines 9-11, Fig. 1, Fig. 11) connectable to said communication network for transmitting from a sender [transmitting terminal] and receiving by a user [receiver] an information item [electronic message] (col. 2 lines 42-50) through said communication network;

wherein said communication system includes a table [graphics database (155)] (Figs. 2 and 14) which provides at least one retrieval condition [key words or codes] (Figs. 2 and 14) and for each said retrieval condition at least one corresponding display method [method of utilizing graphics database] identifying an image file to be displayed [name of the image to be displayed] (Figs. 2 and 14), so as to enable said terminal devices of said user to detect in said information item from said sender said at least one retrieval condition [having a presentation element (150) that recognizes predetermined codes or predetermined key words in the message] (col. 2 lines 42-50, col. 6 lines 22-25) and if the retrieval condition is detected in said information item by said user's terminal device [if predetermined codes or key words are recognized in the received message by the data communication receiver] (col. 2 lines 42-50, col. 6 lines 22-25) to display said information item with said at least one corresponding identified image file [display the message with the image that is associated with recognized key words or codes] (Figs. 3-8, 15, 16, 18-23), the corresponding image file being distinct from said

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information item [the image file representing key words or codes of the received message] (col. 3 lines 33-37, col. 6 lines 22-36),

a display, at a terminal device at a receiving user of said information item [display (130)] (Fig. 1, col. 2 lines 35-39), of said image or sound file when said receiving terminal device detects said corresponding identifier in said information item (Fig. 10, col. 4 lines 49-51),

means for using said table to reduce bandwidth requirements upon said communication network from transmission of said image or sound files [means for using graphics database to reduce bandwidth requirements upon said communication network from transmission of graphic images by having a message transmitted among terminal devices to include only codes and not graphic images as a part of the message] (Fig. 10), said means further comprising:

first means for obtaining necessary data from said table for said display of said image or sound file, if said table includes said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed, wherein image data is included in the table] (Fig. 1 element (155), Figs. 2 and 14, col. 3 lines 5-7 and 18-28, col. 6 lines 22-36), and

second means for obtaining said necessary data for said display of said image or sound file, said table including designating data which designates said necessary data in memory [graphics database shows correspondence data, which provides correlation

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between predetermined key words or key marks and associated image to be displayed] (Figs. 2 and 14, col. 3 lines 18-28, col. 6 lines 22-36),

wherein said table is common to said plurality of terminal devices [both sender and recipient have common set of codes and corresponding images] and in communication of said information item [message] between or among said plurality of terminal devices it is unnecessary to attach said table to said information item [allowing sender to include a code in a message corresponding to specific image that sender wishes to be displayed at recipient's terminal, graphics database and the image being stored at recipient's terminal and is not transmitted with the message] (Fig. 10; col. 4 line 33 to col. 5 line 15).

Deluca does not show that said table does not include said necessary data [image data] in case of obtaining said necessary data for said display of said image or sound file (second means limitation).

It is noted that claim 1 is conditional since it specifies that the table may include said necessary data [image or sound file itself] for some cases, as evidenced by first means for obtaining; for other cases the table may not include said necessary data [image or sound file itself] and only a pointer in a form of identifier, as discussed above, to the actual storage location of image or sound file, as evidenced by second means for obtaining. These two cases are mutually exclusive species because the table either contains the file itself or it does not. In Deluca, the table contains an image file itself (first case). Therefore, Deluca does not teach the second case where the table does not contain a file itself and only a pointer to file stored somewhere else.

Okamoto shows a case where said table [an image object retrieval dictionary (213)] (Figs. 2 and 3) does not include said necessary data [image data] (col. 8 lines 19-47), said table instead including designating data which designates said necessary data in memory [each image object retrieval data includes a pointer (303) to image objects that are stored in the image object database (214)] (col. 8 lines 19-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Deluca by having a table that does not include necessary data [image or sound file data], said table instead including designating data which designates said necessary data in memory [having a pointer to the image or sound file data storage location] in order to separate storage of a table that establishes correlation between predetermined key words or key marks and associated image and storage of actual image file data, as an alternative to storing image data as a part of the table, wherein both techniques were well known in the art at the time of the invention as evidenced by applied references.

As to claims 2, 17, 31, 40, and 49, Deluca shows that each retrieval condition in said table comprises a key object (Figs. 2 and 14, col. 3 line 18-28, col. 6 lines 22-36).

As to claims 3, 18, 41, and 50, Deluca shows that each said key object comprises at least one object selected from the group of key words and key marks [key words and codes] (Figs. 2 and 14, col. 3 line 18-28, col. 6 lines 22-36).

As to claims 6, 21, and 34, Deluca shows that said table is editable [being able to add additional codes and corresponding image data to the graphics database] (col. 3 lines 6-13, Fig. 13).

As to claim 7, Deluca shows that said table is transferable through said communication network [downloading graphics database over-the-air] (col. 3 lines 9-12, col. 6 lines 1-18, Fig. 13).

As to claim 10, Deluca shows that said table is stored in a memory of said terminal device (col. 3 lines 1-3, Fig. 1).

As to claim 11, Deluca shows that said table is open on a server computer on said communication network, so as to enable said terminal device to download said table from said server [programming the data communication receiver over-the-air with new or enhanced images and corresponding codes by transmitting a programming message from a terminal (305)] (Fig. 12, Fig. 13, col. 5 lines 48-67 and col. 6 lines 1-18).

As to claims 12 and 25, Deluca shows that each of said terminal devices includes:

a first functional block for performing said retrieval under said retrieval condition with reference to said table [presentation element (150)] (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10); and

a second functional block for displaying said information item with said at least one corresponding identified image file [presentation element (150)] (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10 wherein the presentation element drives display (130) with image data and/or message characters included in message, step (235)).

As to claims 13 and 26, Deluca shows that each of said terminal devices further includes:

a third functional block for transmitting and receiving said table through said communication network [receiver (110), Fig. 1, col. 2 line 20).

As to claim 14, Deluca shows that each of said terminal devices includes:

a processing unit [processor (120), Fig. 1, col. 2 lines 24-26); and

a memory accessible by said processing unit [ROM (135), Fig. 1, col. 28-32), and said memory storing a computer program [presentation element (150)] comprising:

means for performing said retrieval under said at least one retrieval condition with reference to said table (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10); and

means for displaying on said display said information item with said at least one corresponding identified image file (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10 wherein the presentation element drives display (130) with image data and/or message characters included in message, step (235)).

As to claims 15 and 28, Deluca shows that said computer program further comprises means for transmitting and receiving said table through said communication network (Fig. 13, col. 6 lines 1-18).

As to claim 16, Deluca shows a terminal device [data communication receiver (100)] connectable to a communication network [having a data communication receiver and transmitting terminal forming a network for communicating electronic message as a radio signal between devices] (col. 1 lines 15-18, col. 5 lines 15-20), said terminal device comprising:

a processing unit [processor (120), Fig. 1, col. 2 lines 24-26];

a communication unit electrically coupled to said processing unit for transmitting and receiving an information item [receiver (110), Fig. 1, col. 2 line 20];

a display unit electrically coupled to said processing unit for displaying said information item [display (130)] (Fig. 1, col. 2 lines 35-39);

an operation unit electrically coupled to said processing unit for operating said terminal device [controls (140)] (Fig. 1, col. 2 lines 35-37); and

a memory unit electrically coupled to said processing unit [ROM (135), Fig. 1, col. 28-32) for storing a table [graphics database] (col. 4 lines 43-45) which provides at least one retrieval condition [key words or codes] (Figs. 2 and 14) and for each said retrieval condition at least one corresponding display method [method of utilizing graphics database] identifying an image file [image to be displayed] (Figs. 2 and 14), so as to enable said terminal device of a user to detect in an information item transmitted from said terminal device of a sender said at least one retrieval condition [having a presentation element (150) that recognizes predetermined codes or predetermined key words in the message] (col. 2 lines 42-50, col. 6 lines 22-25) and if the retrieval condition is detected [if predetermined codes or key words are recognized in the received message by the data communication receiver] (col. 2 lines 42-50, col. 6 lines 22-25) to display said information item with said at least one corresponding identified image file [display the message with the image that is associated with recognized key words or codes] (Figs. 3-8, 15, 16, 18-23), the corresponding image file being distinct from said information item [the image file representing key words or codes of the received message] (col. 3 lines 33-37, col. 6 lines 22-36),

a display, on said display unit, of said image or sound file when said receiving terminal device detects said corresponding identifier in said information item (Fig. 10 element (245), col. 4 lines 49-51),

means for using said table to reduce bandwidth requirements upon said communication network from transmission of said image or sound files [means for using graphics database to reduce bandwidth requirements upon said communication network from transmission of graphic images by having a message transmitted among terminal devices to include only codes and not graphic images as a part of the message] (Fig. 10), said means further comprising:

first means for obtaining necessary data from said table for said display of said image or sound file, if said table includes said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed, wherein image data is included in the table] (Fig. 1 element (155), Figs. 2 and 14, col. 3 lines 5-7 and 18-28, col. 6 lines 22-36), and

second means for obtaining said necessary data for said display of said image or sound file, said table including designating data which designates said necessary data in memory [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed] (Figs. 2 and 14, col. 3 lines 18-28, col. 6 lines 22-36),

wherein said table is common to said plurality of terminal devices [both sender and recipient have common set of codes and corresponding images] and in communication of said information item [message] between or among said plurality of terminal devices it is unnecessary to attach said table to said information item [allowing sender to include a code in a message corresponding to specific image that sender

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wishes to be displayed at recipient's terminal, graphics database and the image being stored at recipient's terminal and is not transmitted with the message] (Fig. 10; col. 4 line 33 to col. 5 line 15).

Deluca does not show that said table does not include said necessary data [image data] in case of obtaining said necessary data for said display of said image or sound file (second means limitation).

Okamoto shows a case when said table [an image object retrieval dictionary (213)] (Figs. 2 and 3) does not include said necessary data [image data] (col. 8 lines 19-47), said table instead including designating data which designates said necessary data in memory [each image object retrieval data includes a pointer (303) to image objects that are stored in the image object database (214)] (col. 8 lines 19-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Deluca by having a table that does not include necessary data [image or sound file data], said table instead including designating data which designates said necessary data in memory [having a pointer to the image or sound file data storage location] in order to separate storage of a table that establishes correlation between predetermined key words or key marks and associated image and storage of actual image file data, as an alternative to storing image data as a part of the table, wherein both techniques were well known in the art at the time of the invention as evidenced by applied references.

As to claims 22 and 35, Deluca shows that said table is transferable from said communication unit through said communication network [downloading graphics database over-the-air] (col. 3 lines 9-12, col. 6 lines 1-18, Fig. 13).

As to claim 27, Deluca shows that said memory stores a computer program comprising:

means for performing said retrieval under said at least one retrieval condition with reference to said table (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10); and

means for displaying said information item with said at least one corresponding identified image file (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10 wherein the presentation element drives display (130) with image data and/or message characters included in message, step (235)).

As to claim 29, Deluca shows a terminal device [data communication receiver (100)] connectable to a communication network [having a data communication receiver and transmitting terminal forming a network for communicating electronic message as a radio signal between devices] (col. 1 lines 15-18, col. 5 lines 15-20), said terminal device comprising:

means for detecting [presentation element (150)] (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10) in an information item [electronic message] a retrieval condition [key words or codes] (Figs. 2 and 14), said information item and said retrieval condition

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having been transmitted over said communication network by a said terminal device of a sender to a said terminal device of a user (col. 2 lines 42-50);

a display unit [display (130)] (Fig. 1, col. 2 lines 35-39) for displaying said information item with at least one image file identified as corresponding to each said detected retrieval condition, the image file being distinct from said information item [presentation element (150)] (col. 2 lines 42-50, col. 4 lines 33-51, Fig. 10 wherein the presentation element drives display (130) with image data and/or message characters included in message, step (235)),

a table which identifies said retrieval condition and each said identified image file corresponding to said retrieval condition [graphics database (155)] (Figs. 2 and 14).

a display, on said display unit, of said identified image or sound file when said detecting means detects said corresponding retrieval condition in said information item (Fig. 10 element (245), col. 4 lines 49-51),

means for using said table to reduce bandwidth requirements upon said communication network from transmission of said image or sound files [means for using graphics database to reduce bandwidth requirements upon said communication network from transmission of graphic images by having a message transmitted among terminal devices to include only codes and not graphic images as a part of the message] (Fig. 10), said means further comprising:

first means for obtaining necessary data from said table for said display of said at least one identified image or sound file, if said table includes said necessary data

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[graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed, wherein image data is included in the table] (Fig. 1 element (155), Figs. 2 and 14, col. 3 lines 5-7 and 18-28, col. 6 lines 22-36), and

second means for obtaining said necessary data for said display of said at least one identified image or sound file, said table including designating data which designates said necessary data in memory [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed] (Figs. 2 and 14, col. 3 lines 18-28, col. 6 lines 22-36),

wherein said table is common to said terminal device of said sender and said terminal device of said user [both sender and recipient have common set of codes and corresponding images] and in communication of said information item [message] from said sender to said user it is unnecessary to attach said table to said information item [allowing sender to include a code in a message corresponding to specific image that sender wishes to be displayed at recipient's terminal, graphics database and the image being stored at recipient's terminal and is not transmitted with the message] (Fig. 10; col. 4 line 33 to col. 5 line 15).

Deluca does not show that said table does not include said necessary data [image data] in case of obtaining said necessary data for said display of said image or sound file (second means limitation).

Okamoto shows a case when said table [an image object retrieval dictionary (213)] (Figs. 2 and 3) does not include said necessary data [image data] (col. 8 lines 19-47), said table instead including designating data which designates said necessary data in memory [each image object retrieval data includes a pointer (303) to image objects that are stored in the image object database (214)] (col. 8 lines 19-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Deluca by having a table that does not include necessary data [image or sound file data], said table instead including designating data which designates said necessary data in memory [having a pointer to the image or sound file data storage location] in order to separate storage of a table that establishes correlation between predetermined key words or key marks and associated image and storage of actual image file data, as an alternative to storing image data as a part of the table, wherein both techniques were well known in the art at the time of the invention as evidenced by applied references.

As to claim 38, Deluca shows:

detecting in an information item a retrieval condition [predetermined codes or key words are recognized in the received message by the data communication receiver] (col. 2 lines 42-50, col. 6 lines 22-25), said retrieval condition having been inserted in said information item by a sender and said information item having been transmitted over a communication network by said sender to a user (col. 2 lines 42-60);

displaying said information item with at least one display method [method of utilizing graphics database] identifying an image file as corresponding to said detected retrieval condition [display the message with the image that is associated with recognized key words or codes] (Figs. 3-8, 15, 16, 18-23), the image file being distinct from said information item [the image file representing key words or codes of the received message] (col. 3 lines 33-37, col. 6 lines 22-36),

wherein said retrieval condition and each said display method identifying an image file corresponding to said retrieval condition is recorded in a table [graphics database (155)] (Figs. 2 and 14) and said detecting is performed with reference to each of one or more retrieval conditions in said table (col. 3 lines 38-50), said displaying being performed for each detected retrieval condition (Figs. 3-8),

obtaining necessary data from said table for said displaying of said identified image or sound file with an information item, if said table includes said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed, wherein image data is included in the table] (Fig. 1 element (155), Figs. 2 and 14, col. 3 lines 5-7 and 18-28, col. 6 lines 22-36), and

obtaining said necessary data for said displaying of said identified image or sound file with said information item, said table including designating data which designates said necessary data [graphics database shows correspondence data, which provides correlation between predetermined key words or key marks and associated image to be displayed] (Figs. 2 and 14, col. 3 lines 18-28, col. 6 lines 22-36),

wherein said table is common to said sender and said user [both sender and recipient have common set of codes and corresponding images] and it is unnecessary to attach said table to said information item [allowing sender to include a code in a message corresponding to specific image that sender wishes to be displayed at recipient's terminal, graphics database and the image being stored at recipient's terminal and is not transmitted with the message] (Fig. 10; col. 4 line 33 to col. 5 line 15), said sender and said user each being capable of executing said method (col. 1 lines 9-11).

Deluca does not show that said table does not include said necessary data [image data] in case of obtaining said necessary data for said display of said image or sound file (second means limitation).

Okamoto shows a case when said table [an image object retrieval dictionary (213)] (Figs. 2 and 3) does not include said necessary data [image data] (col. 8 lines 19-47), said table instead including designating data which designates said necessary data [each image object retrieval data includes a pointer (303) to image objects that are stored in the image object database (214)] (col. 8 lines 19-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Deluca by having a table that does not include necessary data [image or sound file data], said table instead including designating data which designates said necessary data [having a pointer to the image or sound file data storage location] in order to separate storage of a table that establishes correlation between predetermined key words or key marks and associated image and storage of

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actual image file data, as an alternative to storing image data as a part of the table, wherein both techniques were well known in the art at the time of the invention as evidenced by applied references.

As to claims 43 and 52, Deluca in view of Okamoto shows reading out said necessary data in accordance with said designating data before displaying said information item [recognizing a code associated with a graphic message for determining, with reference to the code format, whether any characters included in the message are arranged in the predetermined code format] (col. 4 lines 40-50, col. 6 lines 40-44 in Deluca; col. 8 lines 19-47, Fig. 3 in Okamoto).

As to claim 47, Deluca shows a computer code [presentation element (150)] and a terminal device (Fig. 1) capable of performing the method steps, as discussed per claim 38.

8. Claims 8, 9, 23, 24, 36, 37, 45, 46, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deluca et al. in view of Okamoto and in further view of Abu-Hakima et al. (US Patent No.: 6,820,237 B1).

As to claims 8, 23, 36, 45, and 54, Deluca in view of Okamoto shows all the elements except said information item comprises an e-mail.

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Abu-Hakima teaches an apparatus and method for intelligently analyzing key words/phrases of an electronic document by recognizing and utilizing the context of the electronic document such as e-mail (col. 1 lines 5-15, col. 3 lines 10-50).

Abu-Hakima shows that said information item [electronic document] comprises an e-mail (col. 1 lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system/device/method/program of Deluca by having the information item comprise an e-mail in order perform retrieval of key words/key marks from an electronic message being an e-mail, as taught by Abu-Hakima, and presenting graphic messages in a data communication receiver, as taught by Deluca.

As to claims 9, 24, 37, 46, and 55, Deluca in view of Abu-Hakima shows that said e-mail has at least an attached file (col. 5 lines 10-12 in Abu-Hakima).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLEG SURVILLO whose telephone number is (571)272-9691. The examiner can normally be reached on M-Th 8:30am - 6:00pm; F 8:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Andrew Caldwell/
Supervisory Patent Examiner, Art
Unit 2142

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